No. 14.

THE

ANTI-SLAVERY EXAMINER.

ADDRESS

TO THE

FRIENDS OF CONSTITUTIONAL LIBERTY,

ON THE VIOLATION BY THE

UNITED STATES HOUSE OF REPRESENTATIVES

OF THE

RIGHT OF PETITION.

BY THE

EXECUTIVE COMMITTEE

OF THE

AMERICAN ANTI-SLAVERY SOCIETY.

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☞ *Please Read and circulate.* ☜

ADDRESS.

To the Friends of Constitutional Liberty:—

There was a time, fellow citizens, when the above address would have included the People of the United States. But, alas! the freedom of the press, freedom of speech, and the right of petition, are now hated and dreaded by our Southern citizens, as hostile to the perpetuity of human bondage; while, by their political influence in the Federal Government, they have induced numbers at the North to unite with them in their sacrilegious crusade against these inestimable privileges.

On the 28th January last, the House of Representatives, on motion of Mr. Johnson, from Maryland, made it a standing rule of the House that "no petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory of the United States, in which it now exists, shall be received by the House, or entertained in any way whatever."

Thus has the right of petition been immolated in the very Temple of Liberty, and offered up, a propitiatory sacrifice to the demon of slavery. Never before has an outrage so unblushingly profligate been perpetrated upon the Federal Constitution. Yet, while we mourn the degeneracy which this transaction evinces, we behold, in its attending circumstances, joyful omens of the triumph which awaits our struggle with the hateful power that now perverts the General Government into an engine of cruelty and loathsome oppression.

Before we congratulate you on these omens, let us recall to your recollection the steps by which the enemies of human rights have advanced to their present rash and insolent defiance of moral and constitutional obligation.

In 1831, a newspaper was established in Boston, for the purpose of disseminating facts and arguments in favor of the duty and policy of immediate emancipation. The Legislature of Georgia, with all the recklessness of despotism, passed a law, offering a reward of $5000,

for the abduction of the Editor, and his delivery in Georgia. As there was no law, by which a citizen of Massachusetts could be tried in Georgia, for expressing his opinions in the capital of his own State, this reward was intended as the price of BLOOD. Do you start at the suggestion? Remember the several sums of $25,000, of $50,000, and of $100,000, offered in Southern papers for kidnapping certain abolitionists. Remember the horrible inflictions by Southern Lynch clubs. Remember the declaration, in the United States Senate, by the brazen-fronted Preston, that, should an abolitionist be caught in Carolina, he would be HANGED. But, as the Slaveholders could not destroy the lives of the Abolitionists, they determined to murder their characters. Hence, the President of the United States was induced, in his Message of 1835, to Congress, to charge them with plotting the massacre of the Southern planters; and even to stultify himself, by affirming that, for this purpose, they were engaged in sending, by *mail*, inflammatory appeals to the *slaves*—sending papers to men who could not read them, and by a conveyance through which they could not receive them! He well knew that the papers alluded to were appeals on the immorality of converting men, women, and children, into beasts of burden, and were sent to the masters, for *their* consideration. The masters in Charleston, dreading the moral influence of these appeals on the conscience of the slaveholding community, forced the Post Office, and made a bonfire of the papers. The Post Master General, with the sanction of the President, also hastened to their relief, and, in violation of oaths, and laws, and the constitution, established ten thousand censors of the press, each one of whom was authorized to abstract from the mail every paper which *he* might think too favorable to the rights of man.

For more than twenty years, petitions have been presented to Congress, for the abolition of slavery in the District of Columbia. The right to present them, and the power of Congress to grant their prayer, were, until recently, unquestioned. But the rapid multiplication of these petitions alarmed the slaveholders, and, knowing that they tended to keep alive at the North, an interest in the slave, they deemed it good policy to discourage and, if possible, suppress all such applications. Hence Mr. Pinckney's famous resolution, in 1836, declaring, "that all petitions, or papers, relating *in any way, or to any extent* whatever to the *subject of slavery*, shall, without being printed or referred, be laid on the table; and no further action, whatever shall be had thereon!"

The peculiar atrocity of this resolution was, that it not merely trampled upon the rights of the petitioners, but took from each member

of the House his undoubted privilege, as a legislator of the District, to introduce any proposition he might think proper, for the protection of the slaves. In every Slave State there are laws affording, at least, some nominal protection to these unhappy beings; but, according to this resolution, slaves might be flayed alive in the streets of Washington, and no representative of the people could offer even a resolution for inquiry. And this vile outrage upon constitutional liberty was avowedly perpetrated "to repress agitation, to allay excitement, and re-establish harmony and tranquillity among the various sections of the Union!!"

But this strange opiate did not produce the stupefying effects anticipated from it. In 1836, the petitioners were only 37,000—the next session they numbered 110,000. Mr. Hawes, of Ky., now essayed to restore tranquillity, by gagging the uneasy multitude; but, alas! at the next Congress, more than 300,000 petitioners carried new terror to the hearts of the slaveholders. The next anodyne was prescribed by Mr. Patton, of Va., but its effect was to rouse from their stupor some of the Northern Legislatures, and to induce them to denounce his remedy as "a usurpation of power, a violation of the Constitution, subversive of the fundamental principles of the government, and at war with the prerogatives of the people."* It was now supposed that the people must be drugged by a *northern* man, and *Atherton* was found a fit instrument for this vile purpose; but the dose proved only the more nauseous and exciting from the foul hands by which it was administered.

In these various outrages, although all action on the petitions was prohibited, the papers themselves were received and laid on the table, and *therefore* it was contended, that the right of petition had been preserved inviolate. But the slaveholders, maddened by the failure of all their devices, and fearing the influence which the mere sight of thousands and tens of thousands of petitions in behalf of liberty, would exert, and, taking advantage of the approaching presidential election to operate upon the selfishness of some northern members, have succeeded in crushing the right of petition itself.

That you may be the more sensible, fellow citizens, of the exceeding profligacy of the late RULE and of its palpable violation of both the spirit and the letter of the Constitution, which those who voted for it had sworn to support, suffer us to recall to your recollection a few historical facts.

The framers of the Federal Constitution supposed the right of petition too firmly established in the habits and affections of the people, to

* Resolutions of Massachusetts and Connecticut, April and May, 1838.

need a constitutional guarantee. Their omission to notice it, roused the jealousy of some of the State conventions, called to pass upon the constitution. The *Virginia* convention proposed, as an amendment, "that every *freeman* has a right to petition, or apply to the Legislature, for a redress of grievances." And this amendment, with others, was ordered to be forwarded to the different States, for their consideration. The Conventions of North Carolina, New York, and Rhode Island, were held subsequently, and, of course, had before them the Virginia amendment. The North Carolina Convention adopted a declaration of rights, embracing the very words of the proposed amendment; and this declaration was ordered to be submitted to Congress, before that State would enter the Union. The Conventions of New York and of Rhode Island incorporated in their *certificates of ratification*, the assertion that "Every *person* has a right to petition or apply to the legislature for a redress of grievances"—using the Virginia phraseology, merely substituting the word *person* for *freeman*, thus claiming the right of petition even for slaves; while Virginia and North Carolina confined it to freemen.

The first Congress, assembled under the Constitution, gave effect to the wishes thus emphatically expressed, by proposing, as an amendment, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or *abridging* the freedom of the press, or the right of the people peaceably to assemble, and *to petition Government* for a redress of grievances." This amendment was duly ratified by the States, and when members of Congress swear to support the Constitution of the United States, they are as much bound by their oath to refrain from abridging the right of petition, as they are to fulfil any other constitutional obligation. And will the slaveholders and their abettors, dare to maintain that they have not foresworn themselves, because they have abridged the right of the people to petition for a redress of grievances, by a RULE of the House, and not by a *law?* If so, they may by a RULE require every member, on taking his seat, to subscribe the creed of a particular church, and then call their Maker to witness that they are guiltless of making a *law* "respecting an establishment of religion, or prohibiting the free exercise thereof."

The right to petition is one thing, and the disposition of a petition after it is received, is another. But the new rule makes no disposition of the petitions; it PROHIBITS THEIR RECEPTION; they may not be brought into the legislative chamber. Hundreds of thousands of the people are debarred all access to their representatives, for the purpose of offering them a prayer.

It is said that the manifold abominations perpetrated in the District are no grievances to the petitioners, and *therefore* they have no right to ask for their removal. But the right guaranteed by the Constitution, is a right to ask for the redress of *grievances*, whether personal, social, or moral. And who, except a slaveholder, will dare to contend that it is no grievance that our agents, our representatives, our servants, in our name and by our authority, enact laws erecting and licensing markets in the Capital of the Republic, for the sale of human beings, and converting free men into slaves, for no other crime, than that of being too poor to pay United States' officers the JAIL FEES accruing from an iniquitous imprisonment ?

Again, it is pretended that the the objects prayed for, are palpably unconstitutional, and that *therefore* the petitions ought not to be received. And by what authority are the people deprived of their right to petition for any object which a majority of either House of Congress, for the time being, may please to regard as unconstitutional ? If this usurpation be submitted to, it will not be confined to abolition petitions. It is well known that most of the slaveholders *now* insist, that all protecting duties are unconstitutional, and that on account of the tariff the Union was nearly rent by the very men who are now horrified by the danger to which it is exposed by these *petitions!* Should our Northern Manufacturers again presume to ask Congress to protect them from foreign competition, the Southern members will find a precedent, sanctioned by Northern votes, for a rule that "no petition, memorial, resolution, or other paper, praying for the IMPOSITION OF DUTIES FOR THE ENCOURAGEMENT OF MANUFACTURES, shall be received by the House, or entertained in any way whatever."

It does indeed, require Southern arrogance, to maintain that, although Congress is invested by the Constitution with "exclusive jurisdiction, in all cases whatsoever," over the District of Columbia, yet that it would be so palpably unconstitutional to abolish the slave-trade, and to emancipate the slaves in the District, that petitions for these objects ought not to be received. Yet this is asserted in that very House, on whose minutes is recorded a resolution, in 1816, appointing a committee, with power to send for persons and papers, "to inquire into the existence of an inhuman and illegal traffic in slaves, carried on, in and through the District of Columbia, and report whether any, and what means are necessary for putting a stop to the same :" and another, in 1829, instructing the Committee on the District of Columbia to inquire into the expediency of providing by law, "for the gradual abolition of slavery in the District."

In the very first Congress assembled under the Federal Constitution,

petitions were presented, asking its interposition for the mitigation of the evils, and final abolition of the African slave-trade, and also praying it, as far as it possessed the power, to take measures for the abolition of slavery. These petitions excited the wrath and indignation of many of the slave-holding members, yet no one thought of refusing to receive them. They were referred to a select committee, at the instance of Mr. Madison, himself, who "entered into a critical review of the circumstances respecting the adoption of the Constitution, and the ideas upon the limitation of the powers of Congress to interfere in the regulation of the commerce of slaves, and showed that they undoubtedly were not precluded from interposing in their importation; and generally to regulate the mode in which every species of business shall be transacted. He adverted to the western country, and the Cession of Georgia, in which Congress have certainly the power to *regulate the subject of slavery;* which shows that gentlemen are mistaken in supposing, that Congress cannot constitutionally interfere in the business, in any degree, whatever. He was in favor of committing the petition, and justified the measure by repeated precedents in the proceedings of the House."—*U. S. Gazette, 17th Feb.*, 1790.

Here we find one of the earliest and ablest expounders of the Constitution, maintaining the power of Congress to "regulate the subject of slavery" in the national territories, and urging the reference of abolition petitions to a special committee.

The committee made a report; for which, after a long debate, was substituted a declaration, by the House, that Congress could not abolish the slave trade prior to the year 1808, but had a right so to regulate it as to provide for the humane treatment of the slaves on the passage; and that Congress could not interfere in the emancipation or treatment of slaves in the *States*.

This declaration gave entire satisfaction, and no farther abolition petitions were presented, till after the District of Columbia had been placed under the "exclusive jurisdiction" of the General Government.

You all remember, fellow citizens, the wide-spread excitement which a few years since prevailed on the subject of SUNDAY MAILS. Instead of attempting to quiet the agitation, by outraging the rights of the petitioners, Congress referred the petitions to a committee, and made no attempt to stifle discussion.

Why, then, we ask, with such authorities and precedents before them, do the slaveholders in Congress, regardless of their oaths, strive to gag the friends of freedom, under *pretence* of allaying agitation? Because conscience does make cowards of them all—because they know the accursed system they are upholding will not bear the light—be-

cause they fear, if these petitions are discussed, the abominations of the American slave trade, the secrets of the prison-houses in Washington and Alexandria, and the horrors of the human shambles licensed by the authority of Congress, will be exposed to the scorn and indignation of the civilized world.

Unquestionably the late RULE surpasses, in its profligate contempt of constitutional obligation, any act in the annals of the Federal Government. As such it might well strike every patriot with dismay, were it not that attending circumstances teach us that it is the expiring effort of desperation. When we reflect on the past subserviency of our northern representatives to the mandates of the slaveholders, we may well raise, on the present occasion, the shout of triumph, and hail the vote on the recent RULE as the pledge of a glorious victory. Suffer us to recall to your recollection the majorities by which the successive attempts to crush the right of petition and the freedom of debate have been carried.

Pinckney's Gag was passed	May, 1836, by a majority of	51
Hawes's do. . .	Jan. 1837, . . .	58
Patton's do. . .	Dec. 1837, . . .	48
Atherton's do. . .	Dec. 1838, . . .	48
JOHNSON's do. . .	Jan. 1840, . . .	**6**

Surely, when we find the majority against us reduced from 58 to **6**, we need no new incentive to perseverance.

Another circumstance which marks the progress of constitutional liberty, is the gradual diminution in the number of our northern *serviles*. The votes from the free States in favor of the several gags were as follows :—

For Pinckney's	62
For Hawes's	70
For Patton's	52
For Atherton's	49
For JOHNSON's	**28**

There is also another cheering fact connected with the passage of the RULE which deserves to be noticed. Heretofore the slaveholders have uniformly, by enforcing the previous question, imposed their several gags by a silent vote. On the present occasion they were twice baffled in their efforts to stifle debate, and were, for days together, compelled to listen to speeches on a subject which they have so often declared should not be discussed.

A base strife for southern votes has hitherto, to no small extent, enlisted both the political parties at the north in the service of the slaveholders. The late unwonted independence of northern politicians, and the deference paid by them to the wishes of their own constituents, in

Let us turn to our more immediate representatives, and we trust more faithful servants. Our State Legislatures will not refuse to hear our prayers. Let us petition them immediately to rebuke the treason by which the Constitution has been surrendered into the hands of the slaveholders—let us implore them to demand from Congress, in the name of the free States, that they shall neither destroy nor abridge the right of petition—a right without which our government would be converted into a despotism.

We call on you, fellow citizens of every religious faith and party name, to unite with us in guarding the citadel of our country's freedom. If there are any who will not co-operate with us in laboring for the emancipation of the slave, surely there are none who will stand aloof from us while contending for the liberty of themselves, their children, and their children's children.

To the rescue, then, fellow citizens! and, trusting in HIM without whom all human effort is weakness, let us not doubt that our faithful endeavors to preserve the rights HE has given us will, through HIS blessing, be crowned with success.

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JAMES G. BIRNEY,
JOSHUA LEAVITT,
LEWIS TAPPAN,
SAMUEL E. CORNISH,
SIMEON S. JOCELYN,
LA ROY SUNDERLAND,
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preference to those of their southern colleagues, indicates the advance of public opinion. No less than 49 northern members of the administration party voted for the Atherton gag, while only 27 dared to record their names in favor of Johnson's; and of the representation of SIX States, *every vote* was given *against* the rule, without distinction of party. The tone in which opposite political journals denounce the late outrage may warn the slaveholders that they will not much longer hold the north in bonds. The leading administration paper in the city of New York regards the RULE with "utter abhorrence;" while the official paper of the opposition, edited by the state printer, trusts that the names of the recreant northerners who voted for it may be "handed down to eternal infamy and execration."

The advocates of abolition are no longer consigned to unmitigated contempt and obloquy. Passing by the various living illustrations of our remark, we appeal for our proofs to the dead. The late WILLIAM LEGGETT, the editor of a Democratic Journal in the city of New York, was denounced, in 1835, by the "Democratic Republican General Committee," for his abolition doctrines. Far from faltering in his course, on account of the censure of his own party, he exclaimed, with a presentiment almost amounting to prophecy, "The stream of public opinion now sets against us, but it is about to turn, and the regurgitation will be tremendous. Proud in that day may well be the man who can float in triumph on the first refluent wave, swept onward by the deluge which he himself, in advance of his fellows, had largely shared in occasioning. Such be my fate; and, living or dying, it will in some measure be mine. I have written my name in ineffaceable letters on the abolition record." And he did live to behold the first swelling of the refluent wave. The denounced abolitionist was honored by a democratic President with a diplomatic mission; and since his death, the resolution condemning him has been EXPUNGED from the minutes of the democratic committee.

Of the many victims of the recent awful calamity in our waters, what name has been most frequently uttered by the pulpit and the press in the accents of lamentation and panegyric? On whose tomb have freedom, philanthropy, and letters been invoked to strew their funeral wreaths? All who have heard of the loss of the Lexington are familiar with the name of CHARLES FOLLEN. And who was he? One of the men officially denounced by President Jackson as a gang of miscreants, plotting insurrection and murder—and, recently, a member of the Executive Committee of the American Anti-Slavery Society.

Let us then, fellow citizens, in view of all these things, thank God and take courage. We are now contending, not merely for the emancipation of our unhappy fellow men, kept in bondage under the autho-

rity of our own representatives—not merely for the overthrow of the human shambles erected by Congress on the national domain—but also for the preservation of those great constitutional rights which were acquired by our fathers, and are now assailed by the slaveholders and their northern auxiliaries. That you may remember these auxiliaries and avoid giving them new opportunities of betraying your rights, we annex a list of their dishonored names.

The following twenty-eight members from the Free States voted in the affirmative on the recent GAG RULE.

MAINE.

Virgil D. Parris
Albert Smith

NEW HAMPSHIRE.

Charles G. Atherton
Edmund Burke
Ira A. Eastman
Tristram Shaw

NEW YORK.

Nehemiah H. Earle
John Fine
Nathaniel Jones
Governeur Kemble
James de la Montayne
John H. Prentiss
Theron R. Strong

PENNSYLVANIA.

John Davis
Joseph Fornance
James Gerry
George M'Cullough
David Petriken
William S. Ramsey

OHIO.

D. P. Leadbetter
William Medill
Isaac Parrish
George Sweeney
Jonathan Taylor
John B. Weller

INDIANA.

John Davis
George H. Proffit

ILLINOIS.

John Reynolds.

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